

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

IN RE AVISTA SECURITIES  
LITIGATION,

No. CV-02-0328-FVS

ORDER DENYING PENDING MOTIONS

The Court having granted preliminary approval of a proposed settlement in this matter,

**IT IS HEREBY ORDERED:**

1. The Plaintiffs' Motion to Certify Class, **Ct. Rec. 321**, is **DENIED WITHOUT PREJUDICE TO ITS RENOTICE** in the event that the Court denies final approval of the proposed settlement.

2. The Defendant's Motion For Summary Judgment of Claims as Time-Barred, **Ct. Rec. 369**, is **DENIED WITHOUT PREJUDICE TO ITS RENOTICE** in the event that the Court denies final approval of the proposed settlement.

3. The Defendant's Amended Motion for Summary Judgment of Claims As Time-Barred, **Ct. Rec. 376**, is **DENIED WITHOUT PREJUDICE TO ITS RENOTICE** in the event that the Court denies final approval of the proposed settlement.

4. The Individual Defendants' Motion for Joinder in Avista Corporation's Motion For Summary Judgment of Claims As Time-Barred, **Ct. Rec. 377**, is **DENIED WITHOUT PREJUDICE TO ITS RENOTICE** in the event

1 that the Court denies final approval of the proposed settlement.

2 5. The Plaintiffs' Motion To File Overlength Brief In Opposition  
3 to Avista's Motion For Summary Judgment, **Ct. Rec. 407**, is **DENIED**  
4 **WITHOUT PREJUDICE TO ITS RENOTICE** in the event that the Court denies  
5 final approval of the proposed settlement.

6 6. The Plaintiffs' Motion to Strike Unpublished Decisions, **Ct.**  
7 **Rec. 356**, is **DENIED**.

8 7. The Plaintiffs' Motion to File Over-Length Reply Brief To  
9 Motion For Class Certification, **Ct. Rec. 354**, is **DENIED AS MOOT**.

10 8. The Defendant's Motion For Leave to File Overlength Brief Re  
11 Its Motion For Summary Judgment of Claims as Time-Barred, **Ct. Rec.**  
12 **366**, is **DENIED AS MOOT**.

13 **IT IS SO ORDERED.** The District Court Executive is hereby  
14 directed to enter this order and furnish copies to counsel.

15 **DATED** this 20th day of September, 2007.

16  
17 s/ Fred Van Sickle  
Fred Van Sickle  
18 United States District Judge  
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